THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17759 of 2003

DATE: 02.08.2006

Between:

Yale Malleshappa Kannada High School,
Adoni, Kurnool District.

… PETITIONER

AND

Government of Andhra Pradesh,
Rep., by its Secretary, School Education Dept.,
Secretariat Buildings, Hyderabad
& others.

… RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17759 of 2003

ORDER:-

Aggrieved by the order dated 09.07.2003, to the extent permission was not accorded to the petitioner's school to fill up three posts i.e., one Senior Assistant (Maths), one Telugu Pandit Gr.II and one Sweeper, by way of direct recruitment, and in not permitting the petitioner school to appoint two Secondary Grade Assistants (Telugu) from amongst candidates shown next in the roster, the present writ petition is filed.

This Court, by order in WPMP.No.22141 of 2003, dated 27.08.2003, directed the 4th respondent to reconsider the proposal made by the petitioner – Management to fill up the posts of Secondary Grade Assistants (Telugu) reserved for O.C. (PH-Blind) (women) and ST (women); Senior Assistant (Maths) and Telugu Pandit Grade-II (by direct recruitment) in view of the exigencies of non-availability of candidates in the category of Secondary Grade Assistants (Telugu) as there was no eligible candidate for promotion and also the incumbent in the post of Telugu Pandit Grade-I had absconded from duty. The 4th respondent was further directed to pass appropriate orders within three weeks.

Reiterating their earlier stand in proceedings dated 09.07.2003, the respondents passed the order dated 19.09.2003, aggrieved by which the petitioner herein filed WPMP.No.7179 of 2004. This Court, in WPMP.No.7179 of 2004 dated 27.04.2004, made the following order:

> "On petitioner furnishing necessary material before the third respondent, Regional Joint Director of School Education, Kadapa, for filling up of carry forward posts, namely, 2 SG Assistants (Telugu) and remaining existing posts providing if the posts are in existence and petitioner followed the procedure for filling up of existing posts and the petitioner exhausted

> the remedies through Employment Exchange and giving wide publicity inviting applications as per the roster points, he shall consider the same and pass appropriate orders. For the posts, for which permission was granted, the respondent No.3 shall send a nominee for constitution of Selection Committee to fill up the vacancies, to which permission is granted. This exercise shall be completed within six (6) weeks from the date of receipt of a copy of this order."

Alleging non-compliance of the orders passed by this Court, in WPMP.No.7179 of 2004 in WP.No.17759 of 2003, dated 27.04.2004, the petitioner herein filed CC.No.172 of 2005. During the pendency of the said contempt case, the 4th respondent issued proceedings in Rc.No.13644/A6/02/B6/2005, dated 13.08.2005, nominating the Principal, I.A.S.E. Kurnool, as the D.E.O's nominee as per Rule 13(1) (e) of G.O.Ms.No.1, Education Department, dated 01.01.1994, for inclusion in the Staff Selection Committee. The petitioner herein was requested to fix the selection process in consultation with the D.E.O. nominee and ensure that the selection was made as per Rules 12 and 13 of G.O.Ms.No.1, Education Department, dated 01.01.1994 and as per the guidelines prescribed by the Commissioner and Director of School Education, Hyderabad, in proceedings dated 24.09.2002 and 30.05.2003.

Sri P. Gangaiah Naidu, Learned Senior Counsel, appearing on behalf of Sri N. Bharat Babu, learned counsel for the petitioner, would submit that subsequent to the proceedings, issued by the 4th respondent dated 13.08.2005, instead of permitting the petitioner herein to complete the selection process in accordance with the Rules in G.O.Ms.No.1 dated 01.01.1994, the respondents had, on the other hand, allotted two Secondary Grade Teachers (Telugu) and one Secondary Grade Teacher (Kannada) to join in the petitioner's school on the ground that they were found to be surplus elsewhere. Learned

Senior Counsel would submit that while these three candidates did not join duty, the petitioner had also challenged the said proceedings dated 19.11.2005, whereby these three candidates were allotted to the petitioner's school, in WP.No.1295 of 2006 and that the said writ petition is pending.

Both Sri P. Gangaiah Naidu, Learned Senior Counsel and the Government Pleader for School Education would agree that in so far as this writ petition is concerned, in view of the fact that the 4th respondent had passed orders in proceedings dated 13.08.2005, no further orders are necessary.

Recording this submission made on either side, the writ petition is disposed of. No costs.

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RAMESH RANGANATHAN, J

Date: 02.08.2006
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